COUNTY SHERIFFS OF COLORADO

Summit County Sheriff's Office

Jaime FitzSimons, Sheriff

CONCEALED HANDGUN PERMIT INFORMATION PACKET

Summit County Sheriff's Office

501 N. Park Ave

Breckenridge, Co 80424

Attn: Taneil Ilano

CONCEALED HANDGUN PERMIT INFORMATION

THIS APPLICATION PACKET CONTAINS ALL THE INFORMATION YOU WILL NEED TO APPLY FOR A NEW PERMIT OR TO RENEW A PERMIT.

ALL DOCUMENTS MUST BE READ THOROUGHLY AND THE APPLICATION PRINTED IN INK OR TYPED AND COMPLETED IN FULL. FEE INFORMATION IS LOCATED ON THE NEXT PAGE. ALLOW 8 - 12 WEEKS FOR PROCESSING.

Please use additional sheets of paper if necessary to respond to the questions. If the application is not fully completed, it can not be processed. An applicant shall complete the permit application form and return it, in person, to the Sheriff's Office of the county in which the applicant resides, to the Sheriff of the county in which the applicant maintains a secondary residence or owns or leases real property used by the applicant in a business, or to the Sheriff that previously issued a permit to the applicant. **The applicant shall sign the completed permit application in person, at the Sheriff's Office before a notary public.** (Notary's are available at the Sheriff's Office; upon a sworn oath that the applicant knows the contents of the permit application and that the information contained in the permit application is true and correct.)

An applicant who knowingly and intentionally makes a false or misleading statement on a permit application or deliberately omits any material information requested on the application commits perjury as described in Colorado Revised Statute (C.R.S.) 18-8-503. Upon conviction, the applicant shall be punished as provided in 18-1.3-501 of the Colorado Revised Statute. In addition, the applicant shall be denied the right to obtain or possess a permit, and the Sheriff shall revoke the applicant's permit if issued prior to conviction.

Return only the application and required documents.
Keep informational material for your reference.

In addition to the completed permit application form (last page of packet), you must submit:

- **NEW PERMITS**: A **$52.50** processing fee in the form of a **cashier's check or money order**, made payable to the **Colorado Bureau of Investigation (CBI)**. This fee pays for a state and national criminal history check (fingerprints) and for an Insta-check (NICS) per Statute. This is required for all regular civilian applicants.

- A **$100.00** processing fee in the form of a cashier's check, money order, or personal check, made payable to the **Summit County Sheriff's Office**. This fee pays for forms, ID cards, local criminal history checks, and other administrative costs.

- Proof of residency. (Colorado Driver's License, Colorado ID Card or Military ID Card and Duty Orders) If a property owner in Summit County, but residence is in a different county of Colorado, proof of Summit County property ownership is required (tax statement).

- Documentary evidence demonstrating competence with a handgun as specified in section 18-12-203 (1) (h) of the Colorado Revised Statute. (see TRAINING REQUIREMENTS SECTION for further details)

- Two completed fingerprint cards. It is required that all applicants be fingerprinted to conduct a thorough background investigation and comply with state laws.

- A copy of a valid Colorado license or identification card with photo **must** accompany the application.

- **RENEWALS:** See page 9 for information on renewals.

Fingerprints and photo will be taken at the time the applicant submits the application.

If you have any questions concerning the application process, please call Taneil Ilano at (970)-423-8903.

C.R.S. DEFINITIONS

18-12-202.2 "CERTIFIED INSTRUCTOR" *MEANS AN INSTRUCTOR FOR A FIREARMS SAFETY COURSE WHO IS CERTIFIED AS A FIREARMS INSTRUCTOR BY:*

(a) A COUNTY, MUNICIPAL, STATE OR FEDERAL LAW ENFORCEMENT AGENCY;

(b) THE PEACE OFFICER STANDARDS AND TRAINING BOARD CREATED IN SECTION 24-31-302, C.R.S.;

(c) A FEDERAL MILITARY AGENCY; OR

(d) A NATIONAL NONPROFIT ORGANIZATION THAT CERTIFIES FIREARMS INSTRUCTORS, OPERATES NATIONAL FIREARMS COMPETITIONS, AND PROVIDES TRAINING, INCLUDING COURSES IN PERSONAL PROTECTION, IN SMALL ARMS SAFETY, USE, AND MARKSMANSHIP.

18-12-202.3 "CHRONICALLY AND HABITUALLY USES ALCOHOLIC BEVERAGES TO THE EXTENT THAT THE APPLICANT'S NORMAL FACULTIES ARE IMPAIRED" *MEANS:*

(a) THE APPLICANT HAS AT ANY TIME BEEN COMMITTED AS AN ALCOHOLIC PURSUANT TO SECTION 25-1-310 OR 25-1-311, C.R.S.; OR

(b) WITHIN THE TEN-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE ON WHICH THE PERMIT APPLICATION IS SUBMITTED, THE APPLICANT:

(I) HAS BEEN COMMITTED AS AN ALCOHOLIC PURSUANT TO SECTION 25-1-308 OR 25-1-309, C.R.S.; OR

(II) HAS HAD TWO OR MORE ALCOHOL-RELATED CONVICTIONS UNDER SECTION 42-4-1301 (1) OR (2), C.R.S. OR A LAW OF ANOTHER STATE THAT HAS SIMILAR ELEMENTS, OR REVOCATION RELATED TO MISDEMEANOR, ALCOHOL-RELATED CONVICTIONS UNDER SECTION 42-2-126, C.R.S., OR A LAW OF ANOTHER STATE THAT HAS SIMILAR ELEMENTS.

18-12-202.4 "HANDGUN" *MEANS A HANDGUN AS DEFINED IN SECTION 18-12-101 (1) (e.5); EXCEPT THAT THE TERM DOES NOT INCLUDE A MACHINE GUN AS DEFINED IN SECTION 18-12-101 (1) (g).*

18-12-202.5 "HANDGUN TRAINING CLASS" *MEANS:*

(a) A LAW ENFORCEMENT TRAINING FIREARMS SAFETY COURSE;

(b) A FIREARMS SAFETY COURSE OFFERED BY A LAW ENFORCEMENT AGENCY, AN INSTITUTION OR ORGANIZATION OR FIREARMS TRAINING SCHOOL, THAT IS OPEN TO THE GENERAL PUBLIC AND IS TAUGHT BY A CERTIFIED INSTRUCTOR; OR

(c) A FIREARMS SAFETY COURSE OR CLASS THAT IS OFFERED AND TAUGHT BY A CERTIFIED INSTRUCTOR.

18-12-202.6 "PERMIT" *MEANS A PERMIT TO CARRY A CONCEALED HANDGUN ISSUED PURSUANT TO THE PROVISIONS OF THIS ARTICLE 12 OF TITLE 18; EXCEPT THAT "PERMIT" DOES NOT INCLUDE A TEMPORARY EMERGENCY PERMIT ISSUED PURSUANT TO SECTION 18-12-209.*

18-12-202.7 "SHERIFF" *MEANS THE SHERIFF OF A COUNTY, OR HIS OR HER DESIGNEE, OR THE OFFICIAL WHO HAS THE DUTIES OF A SHERIFF IN A CITY AND COUNTY, OR HIS OR HER DESIGNEE.*

18-12-202.8 "TRAINING CERTIFICATE" *MEANS A CERTIFICATE, AFFIDAVIT, OR OTHER DOCUMENT ISSUED BY THE INSTRUCTOR, SCHOOL, CLUB, OR ORGANIZATION THAT CONDUCTS A HANDGUN TRAINING CLASS THAT EVIDENCES AN APPLICANT'S SUCCESSFUL COMPLETION OF THE CLASS REQUIREMENTS.*

PURPOSE

The purpose of the application is to ensure the following are met:

- To protect the safety of both the public and the permit holder, by reasonably ensuring that the licensee is mentally and physically capable of the proper conduct while handling a handgun.

- To provide a reasonable assurance that a person so licensed is knowledgeable in the use of firearms and is informed of the statutory restrictions on such use of firearms.

- To prevent the licensing of persons who are prohibited by law from the possession of such firearms.

APPLICATION CRITERIA

The application packet is to be read thoroughly and the application printed or typed and completed in full. Upon completion, the application is to be delivered to the Sheriff of the County or City and County in which the applicant resides, to the Sheriff of the County or City and County in which the applicant maintains a secondary residence or owns or leases real property used by the applicant in a business, or to the Sheriff that previously issued a permit to the applicant for processing. Only an original application will be accepted.

The applicant must meet the following criteria:

- Is a legal resident of the State of Colorado. A person, who is a member of the Armed Forces and is stationed pursuant to permanent duty station orders at a military installation in this state, and a member of the person's immediate family living in Colorado, shall be deemed to be a legal resident of the State of Colorado.

- Is twenty-one years of age or older or is at least 18 years of age if seeking a temporary, emergency permit.

- Is not ineligible to possess a firearm pursuant to section 18-12-108 or Federal Law.

- Has not been convicted of perjury under section 18-8-503, in relation to information provided or deliberately omitted on a permit application.

- Does not chronically and habitually use alcoholic beverages to the extent that the applicant's normal faculties are impaired.

- Is not an unlawful user of or addicted to a controlled substance as defined in section 18-18-102(5). Whether an applicant is an unlawful user of or addicted to a controlled substance shall be determined as provided in Federal Law and Regulations.

- Is not subject to:

    1. a restraining order issued pursuant to section 18-1-1001 or section 19-2-707, C.R.S. that is in effect at the time the application is submitted,

    2. a permanent restraining order issued pursuant to Article 14 of Title 13, C.R.S., or

    3. a temporary restraining order issued pursuant to Article 14 of Title 13, C.R.S. that is in effect at the time the application is submitted.

- Demonstrates competence with a handgun by submitting:

    1. evidence of experience with a firearm through participation in organized shooting competitions or current military service,

    2. evidence that, at the time the application is submitted, the applicant is a certified instructor,

    3. proof of honorable discharge from a branch of the United States Armed Forces within the three years preceding submittal of the application, or

    4. proof of honorable discharge from a branch of the United States Armed Forces that reflects pistol qualifications obtained within the ten years preceding submittal of the application,

    5. a training certificate from a "handgun training class" (see definitions) obtained within the ten years preceding submittal of the application. The applicant shall submit the **original training certificate** or a photocopy thereof that includes the **original signature** of the class instructor. In obtaining a training certificate from a handgun training class, the applicant shall have discretion in selecting which handgun training class to complete.

POLICY

The issuing County Sheriff's Office will conduct criminal history background investigations on all applicants, to include queries of national, state, and local databases and issue or deny a permit within 90 days of receiving a completed application. If the applicant resides in a municipality or town, the Sheriff **shall** consult with the police department of the municipality or town in which the applicant resides, and the Sheriff may consult with other local law enforcement agencies. Regardless of whether an applicant meets the criteria in the previous section, if the Sheriff has a reasonable belief that documented previous behavior by the applicant makes it likely the applicant will present a danger to self or others if the applicant receives a permit to carry a concealed handgun, the Sheriff may deny the permit. Accordingly, a permit routinely will be denied to a person:

- Ineligible to possess a firearm pursuant to C.R.S. (Colorado Revised Statutes) 18-12-108, having been convicted of a felony offense, or convicted of an attempt or conspiracy

to commit a felony, under Colorado or any other state's law or under federal law, or having any unresolved felony charges pending under the laws of this state, any other state, or the United States.

- Convicted of perjury under C.R.S. 18-8-503.

- Previously convicted of third degree assault as described in C.R.S. 18-3-204, misdemeanor third degree sexual assault as described in C.R.S. 18-3-404, misdemeanor child abuse as described in C.R.S. 18-6-401, or any municipal ordinance or law of any other state or the United States that includes similar elements, where the offense involved domestic violence as defined in Code of Federal Regulations, subpart 178.11 and does not have any such unresolved charges pending under the laws of this state, any other state, or the United States.

- Is the subject of an outstanding warrant for arrest.

- Has been adjudicated a juvenile delinquent pursuant to Article 2 of Title 19, C.R.S., or similar laws of any other state for an act that would have constituted a felony had the applicant been an adult at the time of the commission of the act, and does not have any unresolved charges for such an act pending under the laws of this state, any other state, or the United States.

- Is the subject of any valid restraining or emergency protection order, temporary or permanent, issued pursuant to C.R.S. 18-1-1001 or Section 19-2-707, C.R.S. that is in effect at the time the application is submitted.

- Who is an unlawful user of or addicted to any controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

- Chronically and habitually uses alcoholic beverages to the extent that the applicant's normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that the applicant's normal faculties are impaired if the applicant has been committed as an alcoholic pursuant to C.R.S. 25-1-310 or 25-1-311 or has had two or more alcohol-related convictions or revocations under C.R.S. 42-4-1301 (1) or (2) or 42-2-126, or any law of another state that has similar elements, within the ten-year period immediately preceding the date on which the permit application is submitted. The prohibition specified shall not apply to an applicant who provides an affidavit, signed by a professional counselor who is licensed pursuant to Article 43 of Title 12, C.R.S. and specializes in alcohol addiction, stating that the applicant has been evaluated by the counselor and has been determined to be a recovering alcoholic who has refrained from using alcohol for at least three years; except it shall apply if the person was ever involuntarily committed as an alcoholic.

- Has been adjudicated mentally defective, which includes having been adjudicated incompetent to manage their own affairs, or has been committed to a mental institution.

TRAINING REQUIREMENTS

The applicant must demonstrate competence with a handgun by submitting the following:

1. Evidence of experience with a firearm through participation in organized shooting competitions or current military service.

2. Evidence that, at the time the application is submitted, the applicant is a certified instructor.

3. Proof of honorable discharge from a branch of the United States Armed Forces within the three years preceding submittal of the application.

4. Proof of honorable discharge from a branch of the United States Armed Forces that reflects pistol qualifications obtained within the ten years preceding submittal of the application.

5. A certificate showing retirement from a Colorado Law Enforcement Agency that reflects pistol qualifications obtained within the ten years preceding submittal of the application.

6. A training certificate from a "handgun training class" (see definitions) obtained within the ten years preceding submittal of the application. The applicant shall submit the original training certificate or a photocopy thereof that includes the original signature of the class instructor. In obtaining a training certificate from a handgun training class, the applicant shall have discretion in selecting which handgun training class to complete.

CONDUCT

A permittee, in compliance with the terms of a permit, may carry a concealed handgun as allowed by State Law. The permittee shall carry the permit, together with valid photo identification, at all times during which the permittee is in actual possession of a concealed handgun and shall produce both documents upon demand by a law enforcement officer. Failure to produce a permit upon demand by a law enforcement officer raises a rebuttable presumption that the person does not have a permit. Failure to carry and produce a permit and valid photo identification upon demand is a Class 1 Petty Offense.

A person who may lawfully possess a handgun or carry a handgun under the following circumstances without obtaining a permit and the handgun shall not be considered concealed:

1. The handgun in possession of a person who is in a private automobile or in some other private means of conveyance and who carries the handgun for a legal use, including self-defense.

2. The handgun is in the possession of a person who is legally engaged in hunting activities within the state of Colorado.

CARRY RESTRICTIONS

A permit to carry a concealed handgun authorizes the permittee to carry a concealed handgun in all areas of the state except as specifically limited as follows:

1. a person may not carry a concealed handgun into a place where the carrying of firearms is prohibited by Federal Law,

2. a person may not carry a concealed handgun on to the real property, or into any improvements erected thereon, of a public elementary, middle, junior high or high school,

3. a person may not carry a concealed handgun into a public building at which security personnel and electronic weapons screening devices are permanently in place,

4. a person may not carry a concealed handgun where a private property owner, private tenant, private employer or private business entity disallow.

NEW PERMIT FEE

A **$100.00** fee must accompany the application. This fee shall be paid in the form of cash or check made payable to the **Summit County Sheriff's Office**.

In addition, a **$52.50 cashier's check or money order** (checks not accepted) made payable to **Colorado Bureau of Investigation (CBI)** must accompany the application.

These fees are non-refundable in the event the permit is not issued.

Fees shall be waived for retiring employees (within the first five years after retirement) of the issuing Sheriff if all other requirements are met and the applicant was previously fingerprinted as part of a pre-employment background investigation conducted by the issuing Sheriff.

EXPIRATION PERIOD

This permit is valid for a period of five years after the date of issuance and may be renewed as provided in C.R.S. section 18-12-211. A permit issued pursuant to this part, including temporary emergency permits issued pursuant to Section 18-12-209 is effective in all areas of the state, except as otherwise provided in Section 18-12-214.

A permit issued pursuant to Section 18-12-105.1 as it existed prior to its repeal shall permanently expire on June 30, 2007, or on the expiration date specified on the permit, whichever occurs first. Within 120 days prior to the expiration of a permit issued prior to its repeal, the issuing authority shall send a notice of expiration to the permittee of the permit expiration and of his or her ability to renew the permit or obtain a new one.

RENEWALS

Within 120 days prior to expiration of a permit, the permittee may obtain a renewal form from the issuing Sheriff and renew the permit by submitting to the issuing Sheriff a completed renewal

form to be signed and notarized at the Sheriff's Office, a notarized affidavit stating that the permittee remains qualified pursuant to the criteria specified in C.R.S. 18-12-203 (1) (a) to (1) (g) and the submittal of a ***money order or cashier's check only*** **for $13.00 made payable to the order of the Colorado Bureau of Investigation (CBI),** to conduct a NICS check and a criminal history records check of the Bureau's files, **and a $50.00 renewal fee payable to the Summit County Sheriff's Office, personal checks or cash accepted.**

If the applicant had not previously been fingerprinted, this will take place at the renewal. An additional **$39.50** fee will be submitted to the Colorado Bureau of Investigation for a total of **$52.50** in the form of ***money order or cashier's check only.***

A permittee who fails to file a renewal form on or before the permit expiration date may renew the permit by paying a late fee of $15.00 in addition to the above mentioned renewal fees. No permit shall be renewed six months or more after its expiration date and the permit shall be deemed permanently expired. A person whose permit has permanently expired may reapply by submitting a new application and the required fees.

PERMIT SUSPENSION/REVOCATION/DENIAL

Any peace officer in the state of Colorado may confiscate any concealed handgun permit issued by the issuing Sheriff's Office for delivery to the issuing Sheriff, when the peace officer has reasonable suspicion that the permit holder falls into a category for which the permit would not have been issued initially or would present a danger to himself or herself or others if the permit holder retains the permit. *The issuing Sheriff will determine whether to suspend or revoke the permit.* The suspension or revocation of the permit may be appealed directly to the Sheriff if the permit holder believes the permit was unfairly confiscated and/or revoked.

Any arrest for alcohol/drug violations; or any alcohol or controlled substance abuse will result in suspension of the permit pending legal action on the matter. Any convictions for these charges will result in revocation of the permit.

If the applicant fails to qualify under the criteria listed in section 18-12-203 (1) or that the applicant would be a danger as described in section 18-12-203 (2) and the Sheriff denies the permit application, he or she shall notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to seek a second review of the application by the Sheriff, to submit additional information for the record, and to seek judicial review pursuant to section 18-12-207.

TEMPORARY EMERGENCY PERMITS

A Sheriff may issue a temporary emergency permit to carry a concealed handgun to a person whom the Sheriff has reason to believe may be in immediate danger. A person shall submit to the Sheriff of the county in which the person resides or in which the circumstances giving rise to the emergency exist the items specified in C.R.S. 18-12-205; except that an applicant for a temporary emergency permit need not submit documentary evidence demonstrating competence with a handgun.

The applicant may be eighteen years of age or older.

The applicant shall submit a temporary permit fee of **$20.00** to the Sheriff. In addition, the applicant must submit a fee of **$27.00** to the Colorado Bureau of Investigation in the form of a *Cashier's Check or Money Order* to conduct a NICS check and a statewide fingerprint check. A temporary emergency permit is valid for a period of ninety days after the date of issuance.

MAINTENANCE OF PERMIT - ADDRESS CHANGE - INVALIDITY OF PERMIT

Within 30 days after a permittee changes the address specified on his or her permit or three business days after his or her permit is lost, stolen or destroyed, the permittee shall notify the issuing Sheriff of the change of address or permit loss, theft, or destruction. Failure to notify the Sheriff is a Class 1 Petty Offense.

If a permit is lost, stolen or destroyed the permit is automatically invalid. The person to whom the permit was issued may obtain a duplicate upon submittal of a notarized statement to the issuing Sheriff that the permit was lost, stolen or destroyed and the fee of $15.00.

RECIPROCITY

Some states may honor your permit. As this information is determined, it will be posted on the Colorado Bureau of Investigations and the County Sheriff's of Colorado web sites.

DATABASES

Each Sheriff shall maintain a list of permit holders. Information may be shared with another criminal justice agency upon request for law enforcement purposes or for the purpose of determining the validity of the permit.

Sheriff's may list permit holders in CBI's Colorado Information Center (CCIC) "Person of Interest" file. This database is searchable by name and only available to law enforcement personnel. This file has no criminal implications, but will identify a permit holder who comes in contact with a law enforcement agency to facilitate notification of the issuing Sheriff in the event of any misconduct or concerns regarding the permit holder.

COLORADO STATUTES REGARDING DEADLY PHYSICAL FORCE AND CARRYING CONCEALED FIREARMS

18-1-704 Use Of Physical Force In Defense Of A Person

1. Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

2. Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and:

a) The actor has reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury; or

b) The other person is using or reasonably appears about to use physical force against an occupant of a dwelling or business establishment while committing or attempting to commit burglary as defined in sections 18-4-202 to 184-204; or

c) The other person is committing or reasonably appears about to commit kidnapping as defined in section 18-3-301 or 18-3-302, robbery as defined in section 184-301 or 184-302, sexual assault as set forth in section 18-3-402 or 18-3-403, or assault as defined in sections 18-3-202 or 18-3-203.

3. Notwithstanding the provisions of subsection (1) of this section, a person is not justified in using physical force if:

a) With intent to cause bodily injury or death to another person, he provokes the use of unlawful physical force by that other person; or

b) He is the initial aggressor, except that his use of physical force upon another person under the circumstances is justifiable if he withdraws from the encounter and effectively communicates to the other person his intent to do so, but the latter nevertheless continues or threatens the use of unlawful physical force; or

c) The physical force involved is the product of a combat by agreement not specifically authorized by law.

18-1-704.5 Use Of Deadly Physical Force Against An Intruder ("Make My Day law")

1. The general assembly hereby recognizes that the citizens of Colorado have a right to expect absolute safety within their own homes.

2. Notwithstanding the provisions of section 18-1-704, any occupant of a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when that other person has made an unlawful entry into the dwelling, and when the occupant has a reasonable belief that such other person has committed a crime in the dwelling in addition to the uninvited entry, or is committing or intends to commit a crime against a person or property in addition to the uninvited entry, and when the occupant reasonably believes that such other person might use any physical force, no matter how slight, against any occupant.

3. Any occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions or subsection (2) of this section shall be immune from criminal prosecution for the use of such force.

4. Any occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of subsection (2) of this section shall be immune from any civil liability for injuries or death resulting from the use of such force.

18-1-705 Use Of Physical Force In Defense Of Premises

A person in possession or control of any building, realty, or other premises, or a person who is licensed or privileged to be thereon, is justified in using reasonable and appropriate physical force upon another person when and to the extent that it is reasonably necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission of an unlawful trespass by the other person in or upon the building,

realty, or premises. However, he may use deadly force only in defense of himself or another as described in section 18-1-704, or when he reasonably believes it necessary to prevent what he reasonably believes to be an attempt by the trespasser to commit first degree arson.

18-1-706 Use of Physical Force in Defense of Property

A person is justified in using reasonably and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be an attempt by the other person to commit theft, criminal mischief, or criminal tampering involving property, but he may use deadly physical force under these circumstances only in defense of himself or another as described in section 18-1-704.

18-1-707 Use Of Physical Force In Making An Arrest Or In Preventing An Escape

1. Except as provided in subsection (2) of this section, a peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

a) To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or

b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

2. A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

b) To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:

i) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or

ii) Is attempting to escape by the use of a deadly weapon; or

iii) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

3. Nothing in subsection (2)(b) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.

4. For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances, which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (1) and (2) of this section unless the warrant is invalid and is known by the officer to be invalid.

5. Except as provided in subsection (6) of this section, a person who has been directed by a peace officer to assist him to effect an arrest or to prevent an escape from custody is justified in using reasonable and appropriate physical force when and to the extent that he reasonably believes that force to be necessary to carry out the peace officer's direction, unless he knows that the arrest or prospective arrest is not authorized.

6. A person who has been directed to assist a peace officer under circumstances specified in subsection (5) of this section may use deadly physical force to effect an arrest or to prevent an escape only when:

a) He reasonably believes that force to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

b) He is directed or authorized by the peace officer to use deadly physical force and does not know, if that happens to be the case, that the peace officer himself is not authorized to use deadly physical force under the circumstances.

7. A private person acting on his own account is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest, or to prevent the escape from custody of an arrested person who has committed an offense in his presence; but he is justified in using deadly physical force for the purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

8. A guard or peace officer employed in a detention facility is justified:

a) In using deadly physical force when he reasonably believes it necessary to prevent the escape of a prisoner convicted of, charged with, or held for a felony, or confined under the maximum security rules of any detention facility as such facility is defined in subsection (9) of this section.

b) In using reasonable and appropriate physical force, but not deadly physical force, in all other circumstances when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.

9. "Detention facility" as used in subsection (8) of this section means any place maintained for the confinement, pursuant to law, of persons charged with or convicted of an offense, held pursuant to the "Colorado Children's Code," held for extradition, or otherwise confined pursuant to an order of a court.

18-12-105 Unlawfully Carrying A Concealed Weapon - Unlawful Possession Of Weapons

1. A person commits a class 2 misdemeanor if such person knowingly and unlawfully:

a) Carries a knife concealed on or about his or her person; or

b) Carries a firearm concealed on or about his or her person; or

c) Without legal authority, carries, brings, or has in such person's possession a firearm or any explosive, incendiary, or other dangerous device on the property of or within any building in which the chambers, galleries, or offices of the general assembly, or either house thereof, are located, or in which a legislative hearing or meeting is being or is to be conducted, or in which the official offices of any member, officer, or employee of the general assembly are located.

d) Deleted by Laws 1993, S.B.93-38, section 1, off. July 1, 1993.

2. It shall be an affirmative defense that the defendant was:

a) A person in his or her own dwelling or place of business or on property owned or under his or her control at the time of the act of carrying; or

b) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of such person's or another's person or property while traveling; or

c) A person who, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to section 18-12-105.1 as it existed prior to its repeal, or, if the weapon involved was a handgun, held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to Part 2 of this article; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of Section 18-12-214; or

d) A peace officer, level I or level Ia, as defined in section 18-1-901(3)(l)(I) or (3)(l)(II)(A); or

e) A peace officer, level II, as defined in section 18-1-901(3)(1)(III), while on duty; or

f) A United States probation officer or a United States pretrial services officer while on duty and serving in the state of Colorado under the authority of rules and regulations promulgated by the judicial conference of the United States.

18-12-105.5 Unlawfully Carrying A Concealed Weapon - Unlawful Possession Of Weapons - School, College, Or University Grounds

1. A person commits a class 2 misdemeanor if such person knowingly and unlawfully and without legal authority carries, brings, or has in such person's possession a deadly weapon as defined in section 18-1-901(3)(e) in or on the real estate and all improvements erected thereon of any public or private elementary, middle, junior high, or high school or any public or private college, university, or seminary, except for the purpose of presenting an authorized public demonstration or exhibition pursuant to instruction in conjunction with an organized school or class, for the purpose of carrying out the necessary duties and functions of an employee of an educational institution which require the use of a deadly weapon, or for the purpose of participation in an authorized extracurricular activity or on an athletic team.

2. Notwithstanding the provisions of section 18-1-106, upon a conviction for a violation of this section either within or upon the grounds of any public or private elementary, middle, junior high, or high school or vocational school, the defendant shall be a special offender and the court, if it determines that incarceration is appropriate, shall be required to sentence the defendant to a term that is greater than the twelve-month maximum sentence specified for the class 2 misdemeanor but not more than twice the twelve-month maximum term specified for the class 2 misdemeanor. In addition to such term of imprisonment, the court shall fine the defendant without suspension at least the maximum fine of one thousand dollars specified for the class 2 misdemeanor but not more than ten times the one thousand dollar maximum fine specified for the class 2 misdemeanor.

3. It shall not be an offense under this section if.

a) The weapon is unloaded and remains inside a motor vehicle while upon the real estate of any public or private college, university, or seminary; or

b) The person is in that person's own dwelling or place of business or on property owned or under that person's control at the time of the act of carrying; or

c) The person is in a private automobile or other private means of conveyance and is carrying a weapon for lawful protection of that person's or another's person or property while traveling; or

d) The person, at the time to carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to section 18-12-105.1 as said section existed prior to its repeal; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of Section 18-12-214 (3); or

(d.5) The weapon involved was a handgun and the person held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to Part 2 of this article; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of Section 18-12-214 (3); or

e) The person is a peace officer, level I or level Ia, as defined in section 18-1-901(3)(1)(I) or (3)(1)(II)(A); or

f) The person is a peace officer, level II, as defined in section 18-1-901(3)(1)(III), while on duty; or

g) The person is a peace officer, level IIIa, as defined in section 18-1-901(3)(1)(IV.5), while on duty and under supervision; or

h) The person has possession of the weapon for use in an educational program approved by a school which program includes, but shall not be limited to, any course designed for the repair or maintenance of weapons.

18-12-106 Prohibited Use of Weapons

1. A person commits a class 2 misdemeanor if:

a) He knowingly and unlawfully aims a firearm at another person; or

b) Recklessly or with criminal negligence he discharges a firearm or shoots a bow and arrow; or

c) He knowingly sets a loaded gun, trap, or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present; or

d) The person has in his or her possession a firearm while the person is under the influence of intoxicating liquor or of a controlled substance, as defined in section 12-22-303 (7), C.R.S. Possession of a permit issued under section 18-12-105.1, as it existed prior to its repeal, or possession of a permit or a temporary emergency permit issued pursuant to Part 2 of this article is no defense to a violation of this subsection (1).

e) He knowingly aims, swings, or throws a throwing star or nunchaku as defined in this paragraph (e) at another person, or he knowingly possesses a throwing star or nunchaku in a public place except for the purpose of presenting an authorized public demonstration or exhibition or pursuant to instruction in conjunction with an organized school or class. When transporting throwing stars or nunchaku for a public demonstration or exhibition or for a school or class, they shall be transported in a closed, non-accessible container. For purposes of this paragraph (e) "nunchaku" means an instrument consisting of two sticks, clubs, bars, or rods to be used as handles, connected by a rope, cord, wire, or chain, which is in the design of a weapon used in connection with the practice of a system of self-defense, and "throwing star" means a disk having sharp radiating points or any disk-shaped bladed object which is hand-held and thrown and which is in the design of a weapon used in connection with the practice of a system of self-defense.

18-12-110 Forfeiture of Firearms

Upon the motion of the prosecuting attorney after the conviction of a defendant, the court may order the forfeiture of any firearms which were used by the defendant during the course of the criminal episode which gave rise to said conviction as an element of sentencing or as a condition of probation or of a deferred sentence. Firearms forfeited under this section shall be disposed of pursuant to section 16-13-311, C.R.S.

18-12-203. Criteria for obtaining a permit. (1) BEGINNING ON THE EFFECTIVE DATE OF THIS PART 2, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A SHERIFF SHALL ISSUE A PERMIT TO CARRY A CONCEALED HANDGUN TO AN APPLICANT WHO:

(a) IS A LEGAL RESIDENT OF THE STATE OF COLORADO. FOR PURPOSES OF THIS PART 2, A PERSON WHO IS A MEMBER OF THE ARMED FORCES AND IS STATIONED PURSUANT TO PERMANENT DUTY STATION ORDERS AT A MILITARY INSTALLATION IN THIS STATE, AND A MEMBER OF THE PERSON'S IMMEDIATE FAMILY LIVING IN COLORADO, SHALL BE DEEMED TO BE A LEGAL RESIDENT OF THE STATE OF COLORADO.

(b) IS TWENTY-ONE YEARS OF AGE OR OLDER;

(c) IS NOT INELIGIBLE TO POSSESS A FIREARM PURSUANT TO SECTION 18-12-108 OR FEDERAL LAW;

(d) HAS NOT BEEN CONVICTED OF PERJURY UNDER SECTION 18-8-503, IN RELATION TO INFORMATION PROVIDED OR DELIBERATELY OMITTED ON A PERMIT APPLICATION SUBMITTED PURSUANT TO THIS PART 2;

(e) (I) DOES NOT CHRONICALLY AND HABITUALLY USE ALCOHOLIC BEVERAGES TO THE EXTENT THAT THE APPLICANT'S NORMAL FACULTIES ARE IMPAIRED.

(II) THE PROHIBITION SPECIFIED IN THIS PARAGRAPH (e) SHALL NOT APPLY TO AN APPLICANT WHO PROVIDES AN AFFIDAVIT, SIGNED BY A PROFESSIONAL COUNSELOR WHO IS LICENSED PURSUANT TO ARTICLE 43 OF TITLE 12, C.R.S., AND SPECIALIZES IN ALCOHOL ADDICTION, STATING THAT THE APPLICANT HAS BEEN EVALUATED BY THE COUNSELOR AND HAS BEEN DETERMINED TO BE A RECOVERING ALCOHOLIC WHO HAS REFRAINED FROM USING ALCOHOL FOR AT LEAST THREE YEARS.

(f) IS NOT AN UNLAWFUL USER OF OR ADDICTED TO A CONTROLLED SUBSTANCE AS DEFINED IN SECTION 18-18-102 (5). WHETHER AN APPLICANT IS AN UNLAWFUL USER OF OR ADDICTED TO A CONTROLLED SUBSTANCE SHALL BE DETERMINED AS PROVIDED IN FEDERAL LAW AND REGULATIONS.

(g) IS NOT SUBJECT TO:

(I) A RESTRAINING ORDER ISSUED PURSUANT TO SECTION 18-1-1001 OR SECTION 19-2-707, C.R.S., THAT IS IN EFFECT AT THE TIME THE APPLICATION IS SUBMITTED; OR

(II) A PERMANENT RESTRAINING ORDER ISSUED PURSUANT TO ARTICLE 14 OF TITLE 13, C.R.S.; OR

(III) A TEMPORARY RESTRAINING ORDER ISSUED PURSUANT TO ARTICLE 14 OF TITLE 13, C.R.S., THAT IS IN EFFECT AT THE TIME THE APPLICATION IS SUBMITTED;

(h) DEMONSTRATES COMPETENCE WITH A HANDGUN BY SUBMITTING:

(I) EVIDENCE OF EXPERIENCE WITH A FIREARM THROUGH PARTICIPATION IN ORGANIZED SHOOTING COMPETITIONS OR CURRENT MILITARY SERVICE;

(II) EVIDENCE THAT, AT THE TIME THE APPLICATION IS SUBMITTED, THE APPLICANT IS A CERTIFIED INSTRUCTOR;

(III) PROOF OF HONORABLE DISCHARGE FROM A BRANCH OF THE UNITED STATES ARMED FORCES WITHIN THE THREE YEARS PRECEDING SUBMITTAL OF THE APPLICATION;

(IV) PROOF OF HONORABLE DISCHARGE FROM A BRANCH OF THE UNITED STATES ARMED FORCES THAT REFLECTS PISTOL QUALIFICATIONS OBTAINED WITHIN THE TEN YEARS PRECEDING SUBMITTAL OF THE APPLICATION;

(V) A CERTIFICATE SHOWING RETIREMENT FROM A COLORADO LAW ENFORCEMENT AGENCY THAT REFLECTS PISTOL QUALIFICATIONS OBTAINED WITHIN THE TEN YEARS PRECEDING SUBMITTAL OF THE APPLICATION; OR

(VI) A TRAINING CERTIFICATE FROM A HANDGUN TRAINING CLASS OBTAINED WITHIN THE TEN YEARS PRECEDING SUBMITTAL OF THE APPLICATION. THE APPLICANT SHALL SUBMIT THE ORIGINAL TRAINING CERTIFICATE OR A PHOTOCOPY THEREOF THAT INCLUDES THE ORIGINAL SIGNATURE OF THE CLASS INSTRUCTOR. IN OBTAINING A TRAINING CERTIFICATE FROM A HANDGUN TRAINING CLASS, THE APPLICANT SHALL HAVE DISCRETION IN SELECTING WHICH HANDGUN TRAINING CLASS TO COMPLETE.

(2) REGARDLESS OF WHETHER AN APPLICANT MEETS THE CRITERIA SPECIFIED IN SUBSECTION (1) OF THIS SECTION, IF THE SHERIFF HAS A REASONABLE BELIEF THAT DOCUMENTED PREVIOUS BEHAVIOR BY THE APPLICANT MAKES IT LIKELY THE APPLICANT WILL PRESENT A DANGER TO SELF OR OTHERS IF THE APPLICANT RECEIVES A PERMIT TO CARRY A CONCEALED HANDGUN, THE SHERIFF MAY DENY THE PERMIT.

(3) (a) THE SHERIFF SHALL DENY, REVOKE, OR REFUSE TO RENEW A PERMIT IF AN APPLICANT OR A PERMITTEE FAILS TO MEET ONE OF THE CRITERIA LISTED IN SUBSECTION (1) OF THIS SECTION AND MAY DENY, REVOKE, OR REFUSE TO RENEW A PERMIT ON THE GROUNDS SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

(b) FOLLOWING ISSUANCE OF A PERMIT, IF THE ISSUING SHERIFF HAS A REASONABLE BELIEF THAT A PERMITTEE NO LONGER MEETS THE CRITERIA SPECIFIED IN SUBSECTION (1) OF THIS SECTION OR THAT THE PERMITTEE PRESENTS A DANGER AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE SHERIFF SHALL SUSPEND THE PERMIT UNTIL SUCH TIME AS THE MATTER IS RESOLVED AND THE ISSUING SHERIFF DETERMINES THAT THE PERMITTEE IS ELIGIBLE TO POSSESS A PERMIT AS PROVIDED IN THIS SECTION.

(c) IF THE SHERIFF SUSPENDS OR REVOKES A PERMIT, THE SHERIFF SHALL NOTIFY THE PERMITTEE IN WRITING, STATING THE GROUNDS FOR SUSPENSION OR REVOCATION AND INFORMING THE PERMITTEE OF THE RIGHT TO SEEK A SECOND REVIEW BY THE SHERIFF, TO SUBMIT ADDITIONAL INFORMATION FOR THE RECORD, AND TO SEEK JUDICIAL REVIEW PURSUANT TO SECTION 18-12-207.

18-12-213 Reciprocity

A permit to carry a concealed handgun or a concealed weapon that is issued to a person twenty-one years of age or older by a state that recognizes the validity of permits issued pursuant to this part shall be valid in this state in all respects as a permit issued pursuant to this part.

18-12-214 Authority granted by permit - carry restrictions.

(1) (a) A permit to carry a concealed handgun authorizes the permittee to carry a concealed handgun in all areas of the state, except as specifically limited in this section. A permit does not authorize the permittee to use a handgun in a manner that would violate a provision of state law. A local government does not have authority to adopt or enforce an ordinance or resolution that would conflict with any provision of this part.

(b) A peace officer may temporarily disarm a permittee, incident to a lawful stop of the permittee. The peace office shall return the handgun to the permittee prior to discharging the permittee from the scene.

(2) A permit issued pursuant to this part does not authorize a person to carry a concealed handgun into a place where the carrying of firearms is prohibited by federal law.

(3) A permit issued pursuant to this part does not authorize a person to carry a concealed handgun onto the real property, or into any improvements erected thereon, of a public elementary, middle, junior high, or high school; except that:

(a) A permittee may have a handgun on the real property of the public school so long as the handgun remains in his or her vehicle and, if the permittee is not in the vehicle, the handgun is in a compartment within the vehicle and the vehicle is locked.

(b) A permittee who is employed or retained by contract by a school district as a school security officer may carry a concealed handgun onto the real property, or into any improvement erected thereon, of a public elementary, middle, junior high, or high school while permittee is on duty.

(c) A permittee may carry a concealed handgun on undeveloped real property owned by a school district that is used for hunting or other shooting sports.

(4) A permit issued pursuant to this part does not authorize a person to carry a concealed handgun into a public building at which:

(a) Security personnel and electronic weapons screening devices are permanently in place at each entrance to the building;

(b) Security personnel electronically screen each person who enters the building to determine whether the person is carrying a weapon of any kind; and

(c) Security personnel require each person who is carrying a weapon of any kind to leave the weapon in possession of security personnel while the person is in the building.

(5) Nothing in this part shall be construed to limit, restrict, or prohibit in any manner the existing rights of a private property owner, private tenant, private employer, or private business entity.

(6) The provisions of this section apply to temporary emergency permits issued pursuant to section 18-12-209.

24-20-202 Permit To Bear Arms

If the governor at any time issues his proclamation as provided in section 24-20-201 declaring the state or any county, city, town, or district within the state to be in a state of riot, or insurrection, or invasion, it is unlawful while said proclamation is in force for any person, firm, or corporation within the territory covered by said proclamation to purchase, manufacture for sale or use, receive, transport, carry, or use any firearm or ammunition or to sell, give away, or otherwise dispose of or permit others to obtain possession of any firearm or ammunition without a written permit from the governor or his regularly authorized representative. No permit shall be issued by the governor or his representative unless and until the person so desiring such permit satisfies the governor or his representative that the same is to be used in defense of his home, person, or property. This section shall not apply to legally authorized peace officers, or sheriffs, designated by the governor or his representative, or members of the National Guard of Colorado. No permit shall be issued to allow the purchase, manufacture for sale or use, receipt, use, transportation, or disposing of firearms or ammunition by anyone not a citizen of the United States or to anyone who has not been a resident of the state of Colorado for more than one year prior to the issuance of the proclamation mentioned in section 24-20-201.

30-10-523 Sheriff Permits for Concealed Weapons

The sheriff of each county and the official who has the duties of a sheriff in each city and county shall issue written permits to carry concealed handguns as provided in Part 2 of Article 12 of Title 18, C.R.S.

33-6-125 Possession of a Loaded Firearm in a Motor Vehicle

It is unlawful for any person, except a person authorized by law or by the division, to possess or have under his control any firearm, other than a pistol or revolver, in or on any motor vehicle unless the chamber of such firearm is unloaded. Any person in possession or in control of a rifle or shotgun in a motor vehicle shall allow any peace officer, as defined in section 33-1-102 (32), who is empowered and acting under the authority granted in section 33-6-101 to enforce articles 1 to 6 of this title to inspect the chamber of any rifle or shotgun in the motor vehicle. For the purposes of this section, a “muzzle-loader” shall be considered unloaded if it is not primed, and, for such purpose, “primed” means having a percussion cap on the nipple or flint in the striker and powder in the flash pan. Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of fifty dollars and an assessment of fifteen license suspension points.